

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
Atsushi Iwasa et al.)	
Application No.: 10/569,481)	Group Art Unit: 3751
Filed: March 5, 2006)	Examiner: Huyen D. Le
For: APPLICATOR)	Confirmation No.: 3429
)	
)	

RESPONSE TO LACK OF UNITY REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Official Action of February 4, 2010, indicates that the claims in this application lack unity of invention, and requires election one of five species. As identified in the Official Action, the different species are as follows:

Species I, depicted in Figs. 1-3;

Species II, depicted in Fig. 4;

Species III, depicted in Fig. 5;

Species IV, depicted in Figs. 6-11; and

Species V, depicted in Figs. 12-14.

Applicants hereby elect, with traverse, Species III shown in Fig. 5. At least Claims 1-13 are readable on the elected species.

The election of Species III is made with traverse for a number of reasons. First, an election of species requirement is only proper in requiring an election from among mutually exclusive species. Here, the identified species are not all mutually exclusive. For example, it is clear from a study of this application's specification that the fine indentations and projections 22 illustrated in Figs. 6 through 11 and the

impact absorbing means 70 illustrated in Figs. 12 through 14 can be included in the same embodiment. Accordingly, the Examiner has not identified mutually exclusive species.

The election of species requirement is also traversed because it is believed that all of the claims of this application can be examined at the same time without serious burden. In one respect, the search required for the non-elected species would be substantially coextensive with the search associated with the elected species. In addition, examining all of the claims of this application at the same time would only involve consideration of six additional claims.

In light of the foregoing, withdrawal of the election of species requirement and examination of all of the claims of this application, including Claims 1-13 directed to the elected species, are respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 8, 2010

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